

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CLIVEN BUNDY, DAVID ROTHROCK,  
Plaintiffs,  
v.  
BARACK HUSSEIN OBAMA, et al.,  
Defendants.

Case No. 3:14-cv-00256-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (dkt. no. 4) ("R&R") relating to Plaintiffs' Motion for Preliminary Injunction, Temporary Restraining Order (dkt. no. 1) filed on May 16, 2014. The document, however, was not accompanied by either the \$350 filing fee and \$50 administrative fee or a completed application to proceed *in forma pauperis*. On May 27, 2014, Magistrate Judge Cobb entered an order giving Plaintiffs thirty (30) days to pay the filing fee or file a completed application *in forma pauperis*. (Dkt. no. 3.) They were advised that a failure to do so would result in an order dismissing this action. (*Id.*) As of August 25, 2014, Plaintiffs had not complied with the court's order, and Magistrate Judge Cobb submitted his R&R. Plaintiffs had until September 11, 2014, to object to the R&R. No objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails

1 to object, however, the court is not required to conduct “any review at all . . . of any issue  
2 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
3 Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
4 magistrate judge’s report and recommendation where no objections have been filed. See  
5 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
6 of review employed by the district court when reviewing a report and recommendation to  
7 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
8 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the  
9 view that district courts are not required to review “any issue that is not the subject of an  
10 objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then  
11 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
12 Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to  
13 which no objection was filed).


14 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
15 determine whether to adopt Magistrate Judge Cobb’s Recommendation. The Magistrate  
16 Judge recommended that this action be dismissed. Upon reviewing the  
17 Recommendation and underlying briefs, this Court finds good cause to adopt the  
18 Magistrate Judge’s Recommendation in full.

19 It is therefore ordered, adjudged and decreed that the Report and  
20 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 4) be accepted and  
21 adopted in its entirety.

22 It is ordered that this action is dismissed.

23 The Clerk is instructed to close this case.

24 DATED THIS 1<sup>st</sup> day of October 2014.

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27 \_\_\_\_\_  
28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE